IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1045 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any OJJJ

JJJJ

The learned advocates appearing for the parties have submitted that the dispute has been resolved amicably out of the court in view of the following consent terms :-

"1. The respondent Baroda Cap Liners through its proprietor Mr. Jitubhai Patel agreed to pay a Rs. 85,000/- (Rupees Eighty Five Thousand only) towards full and final settlement of the matter relating to the petitioner and also relating to the full and final terminal benefits.

2. The amount agreed by way of settlement will be paid by the respondent as per the following schedule :

(i) out of Rs. 85,000/-, Rs. 20,000/- will be paid to the petitioner workman on or before 31st March 2001.

(ii) The remaining amount of Rs. 65,000/- will be paid to the workman by ten equal installments of Rs. 6500/- and the same will be paid between 1 to 10th of each calendar month starting from April, 2001.

(iii) The above amount has nothing to do with the workman compensation and/or ESI case amount which the workman has already received but in any case the workman will not claim any amount from the respondent in any manner hereinafter.

(iv) The workman will be at liberty to withdraw if any amount lying in E.P.F. Account but in any manner respondent will not be liable to pay any amount after this settlement. The respondent will co-operarate for withdrawal of any amount if it is lying in EPF account and if workman is entitled.

2. That the respondent has paid the amount as per award of the Labour Court and there is no dispute about the same.

3. The petitioner has instituted one application for recovery of amount i.e. Case No. W.C. (Circol) 1-2001 pending before the Labour Court, Vadodara and the same stands disposed of and the petitioner will not claim anything with regard to the subject matter in question in future in any manner.

4. In view of the above settlement, the petition may please be disposed of in terms of settlement which is being arrived at with the consent of parties and the advocates of the parties have submitted the consent terms

before this Hon'ble Court as per the instructions from the respective clients.

5. The parties may be directed to act in accordance with the settlement."

The parties are directed to act in accordance with the above-referred consent terms.

In view of the above consent terms, the petition does not survive and is disposed of. Rule is made absolute with no order as to costs.

(A.R. Dave, J.)

(hn)